

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

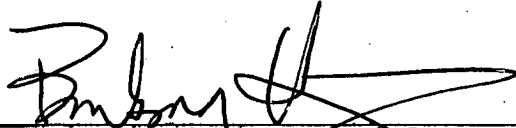
'08 MJ 8004

1	UNITED STATES OF AMERICA,)	Magistrate's Case No.:
2)	
3	Plaintiff,)	COMPLAINT FOR VIOLATION OF
4)	
5	v.)	Title 21 U.S.C. § 841(a)(1)
6)	Possession of a Controlled
7	Christian Gutierrez)	Substance with Intent to
8)	Distribute
9)	
10	Defendant)	
11)	

The undersigned complainant duly sworn states:

That on or about January 2, 2008, within the Southern District of California, defendant Christian Gutierrez did knowingly and intentionally possess with intent to distribute approximately 1,738.68 kilograms (3,833.79 pounds) of marijuana, a Schedule I Controlled Substance, in violation of Title 21 United States Code, Section 841(a)(1).

And the complainant states that this complaint is based on the attached Probable Cause Statement, which is incorporated herein by reference.


Barbara Hopkins, Special Agent
Drug Enforcement Administration

Sworn to before me and subscribed in my presence January 7, 2008.


Peter C. Lewis
UNITED STATES MAGISTRATE JUDGE

1 UNITED STATES OF AMERICA

2 v.
Christian Gutierrez

3 PROBABLE CAUSE STATEMENT

4 I, Special Agent Barbara Hopkins, of the Drug Enforcement
5 Administration declare the following is true and correct:

6 On January 2, 2008, at approximately 7:00 PM Drug Enforcement
7 Administration (DEA) agents, along with the Imperial County
8 Sheriff's Office and El Centro Police Department conducted a search
9 with the consent of Daniel FIGUEROA-Moreno of 1711 Lenrey Avenue,
10 El Centro, California. Upon searching the residence, agents located
11 approximately 3,833.79 pounds of marijuana in three of the four
12 bedrooms in the residence. In the closet of the bedroom that
13 contained personal property of Christian GUTIERREZ, agents
14 discovered approximately 25 bundles of marijuana.
15

16 On January 2, 2008, DEA SA Jeff Butler and Imperial County
17 Sheriff's Office Deputy Camilo Gonzalez conducted an interview of
18 Daniel FIGUEROA-Moreno. FIGUEROA is a resident of the 1711 Lenrey
19 Avenue address. FIGUEROA stated that an individual in Mexico known
20 only as "E" contacted FIGUEROA and instructed him to locate a house
21 to rent for the purpose of storing marijuana. FIGUEROA stated that
22 E sent him \$1,300 for the rent at the 1711 Lenrey Avenue address. E
23 also sent FIGUEROA \$600 every two weeks as payment to FIGUEROA,
24 GUTIERREZ and Horaldo Flores to watch over the marijuana and allow
25 access to the house for individuals moving marijuana into and out
26 of the residence. Of the money, \$200 was given to FIGUEROA, \$200
27 was given to GUTIERREZ, and the remaining \$200 was given to Flores.
28

FIGUEROA also stated the last shipment of marijuana to the house was on December 20 or 21, 2007.

On January 4, 2008, DEA special agent James Hughes contacted the property manager for the 1711 Lenrey Avenue address. The property manager provided the lease agreement which listed Christian GUTIERREZ, Horaldo Flores, and Daniel FIGUEROA as tenants of the residence. The lease agreement was to begin on November 15, 2007. This same agreement showed a money order purchased from Safeway on November 13, 2007 in the amount of \$200 signed by GUTIERREZ with the address listed as "1711 Lenrey". A second money order from the US Postal Service in the amount of \$1,000 with the name Christian Gutierrez listed in the "from" section with a hand notation of "rent" was also part of this same agreement.

On January 4, 2008, DEA special agent Jeff Butler contacted Christian GUTIERREZ and asked him to come to the DEA office for an interview. At approximately 12:25 PM, GUTIERREZ arrived and DEA SAs Barbara Hopkins and Jeffrey Butler began the interview. Agents informed GUTIERREZ that he was not under arrest and was free to leave at any time. GUTIERREZ stated that he lived at the 1711 Lenrey Avenue address from the middle of November 2007 and lived at the residence with Horaldo Flores and Daniel FIGUEROA. GUTIERREZ stated that he moved out of the residence in the first weeks of December 2007. GUTIERREZ stated that approximately two weeks before he moved out of the residence, he observed marijuana in one of the rooms in the residence. GUTIERREZ also stated that the smell of marijuana was noticeable throughout the residence and air fresheners were used to cover the odor. GUTIERREZ stated that he

1 did not notify police about the marijuana because he did not want
2 to get his friends in trouble. GUTIERREZ stated that after seeing
3 the marijuana he continued living at the residence until moving
4 out. After moving out of the residence, he last visited the
5 residence two weeks ago, around Christmas day. GUTIERREZ stated
6 that his bed (in the bedroom which contained 25 bundles of
7 marijuana) and toothbrush still remained at the residence and he
8 still has unrestricted access to the residence. GUTIERREZ also
9 stated he intended to pay the rent for January on January 5, 2008.

10 At 1:20PM, DEA agents placed GUTIERREZ under arrest and
11 processed him at the DEA office pending his transfer to the
12 Imperial County jail.

13
14 Executed on January 4, 2008, at 9:00PM

15 
16 Special Agent

17 On the basis of the facts presented in this probable cause
18 statement consisting of 3 pages, I find probable cause to believe
19 that the defendant named in this probable cause statement committed
20 the offense on January 2, 2008 in violation of Title 21, United
21 States Code, Section 841(a)(1)
22

23 
24 United States Magistrate Judge

25 
26 1/4/08 11:00pm.
27 Date/Time
28